

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7435 OF 2025

Udhav Laxman Jadhav ... Petitioner

Vs.

State of Maharashtra thr. Ministry of Co-operation
and others ... Respondents

Mr. Vaibhav R. Gaikwad for Petitioner.
Mr. Patel, AGP for Respondents-State.

CORAM : MANISH PITALE, J.
DATE : JUNE 13, 2025

P.C. :

. Heard Mr. Gaikwad, learned counsel for the petitioner.

2. The present petition challenges an order dated 23.05.2025 passed by the respondent No.2 - Divisional Joint Registrar, whereby an appeal filed by the contesting individual respondents was allowed and an order dated 25.11.2024 passed by the respondent No.3 - Assistant Registrar was set aside.

3. By the order of the Assistant Registrar, power under Section 11 of the Maharashtra Co-operative Societies Act, 1960 was exercised to hold that certain individual members of the society did not satisfy the necessary requirements and hence they were found to be disqualified.

4. The respondent No.2 - Divisional Joint Registrar allowed the appeal and set aside the said order, only on interpretation of Section 11 read with Section 22(1-A) of the said Act, holding that the Assistant Registrar did not have the power to decide upon the qualification of membership of certain members.

5. This Court finds *prima facie* substance in the contention raised on behalf of the petitioner that the interpretation placed by the respondent

No.2 - Divisional Joint Registrar appears to be in the teeth of the provision itself.

6. There is urgency in the matter, for the reason that according to the programme declared on 26.05.2025 for finalization of voters list at exhibit-H, the date by which the final voters list is to be declared is 19.06.2025.

7. If no interim order is granted, the effect of the impugned order would be that the members found to be disqualified by the Assistant Registrar would find their names in the voters list. Although the learned AGP sought to impress upon this Court that the petitioners could raise objections during the aforesaid programme of finalization of voters list, this Court is of the opinion that in the face of the impugned order passed by the Divisional Joint Registrar, such objection would be a hollow formality.

8. At the same time, this Court is of the opinion that granting a blanket stay of the impugned order without hearing the individual respondents may also not be justified at this stage.

9. Therefore, issue notice for final final disposal, returnable on 03.07.2025.

10. Mr. Patel, learned AGP waives notice on behalf of respondent Nos.1 to 3 and 5-State. The petitioner shall additionally serve respondent Nos.4 and 6 to 53 by way of private service and file an affidavit of service within three weeks from today.

11. In the meanwhile and till the next date of hearing, the programme of finalization of voters list dated 26.05.2025 (exhibit-H) shall remain stayed.

(MANISH PITALE, J.)